THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.6280 of 2006

Dt.31.3.2006

Between:

Nalukurthi Rajeshwari … Petitioner

And

Government of A.P., rep. By its
Principal Secretary, Panchayat Raj and Rural
Development (PTS-II-A) Department,
Secretariat, Hyderabad and another
…Respondents

ORDER:

Petitioner questions the action of the respondents in not considering the petition filed by the petitioner on 13.3.2006 seeking to restore the orders granted in Memo.No.9036/PTS.1/A/2004-1 dt.8.9.2004 as arbitrary and illegal.

The petitioner was elected as Sarpanch of Peteru Gram panchayat of Repalle Mandal, Guntur District in the election conducted on 14.8.2001. While so, the District Panchayat Officer, Guntur vide

proceedings dated 7.10.2003 granted interim directions prohibiting the petitioner from drawing money of the Gram Panchayat, authorizing the Extension Officer (PR&RD), Repalle to draw panchayat moneys from the general funds and finance commission funds of Peteru Gram panchayat independently and to draw moneys from S.G.R.Y funds with the second signature of the Panchayat Member already designated for the purpose. By the said proceedings dt.7.10.2003 a show cause notice was also issued as to why the petitioner shall not be placed under suspension under Section 249(6) of the A.P.Panchayat Raj Act, 1994 (for short 'the Act'). Thereafter, the Collector (Panchayat Wing), Guntur by proceedings dated 18.8.2004 placed the petitioner under suspension for a period of three months pending further enquiry under Section 249(1) of the Act. Aggrieved by the same, the petitioner filed an appeal petition dt.2.9.2004 before the Government and the Government vide its memo dated 8.9.2004 stayed the proceedings of the District Collector (PW) dt.7.10.2003 as well as 18.8.2004. Thereafter, the Government heard the said appeal after issuing notices and dismissed the same by G.O.Rt.No.287 Panchayat Raj and Rural Development (Pts.II-A) Department, dt.1.3.2006. It is stated that the case was heard on 14.2.2006. The District Panchayat Officer, Guntur alone attended the hearing and the petitioner failed to attend the same and accordingly on merits the appeal was dismissed duly confirming the proceedings dt.18.8.2004 of the District Collector (PW), Guntur. Pursuant to the same, the Collector (Panchayat Wing) issued proceedings in Roc.No.374/2005-G1, dt.9.3.2006 directed the petitioner to hand over charge to the Upa Sarpanch as the Government dismissed the appeal petition. Thereafter, the petitioner filed a representation before the Minister for Panchayat Raj and Rural Development on 13.3.2006 stating that the Government passed the said order without hearing the petitioner and explained certain difficulties for not appearing on the said date of hearing.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchatyat Raj and Rural Development on

behalf of the respondents.

No doubt, the Government has got power of review of any such order under Section 264(3) of the Act if an application is filed accompanied by Rs.15/-. I do not see any proof of filing of the review accompanied by Rs.15/-. Therefore, I am not inclined to admit the writ petition.

The writ petition is accordingly dismissed with liberty to the petitioner either to file review petition accompanying by requisite fee in proper form or question the order of the Government in G.O.Rt.No.287 dt.1.3.2006.

V.ESWARAIAH, J.

31.3.2006

kpr